

TITLE 312 NATURAL RESOURCES COMISSION

Proposed Rule LSA Document #12-

DIGEST

Amends 312 IAC 9-5-11 governing the turtle possession permit by adding endangered species of turtles, eliminating the requirement of a certificate of veterinary inspection, allowing other unique permanent identification methods, and adding a deadline for renewal applications. Amends 312 IAC 9-10-6 governing applicants for a scientific purposes license. Amends 312 IAC 9-10-7 regarding the requirements for obtaining field trial permits. Amends 312 IAC 9-10-11 governing requirements for obtaining and carrying out activities with a nuisance wild animal control permit. Amends 312 IAC 9-10-13.1 governing falconry licenses by requiring the reporting of the release of a raptor within ten (10) days, allowing for the take of peregrine falcons by master class license holders, and clarifying requirements for the transfer of a raptor. Adds 312 IAC 9-10-22 governing the shooting preserve license to provide specifications for signs. Adds 312 IAC 9-10-23 establishing a migratory bird depredation permit. Amends 312 IAC 9-11-1 by exempting endangered species of turtles and making other technical corrections. Amends 312 IAC 9-11-2 governing wild animal possession permits by allowing applicants to apply for a permit for a Class I or II wild animal within five (5) days of taking possession of the animal, removing the requirement for appropriate immunization of the animal, requiring a recapture plan only for Class III wild animals, clarifying notification requirements of an escape, and clarifying inspection requirements. Amends 312 IAC 9-11-4 by removing the requirement of the notice to include the type of enclosure that would be used. Amends 312 IAC 9-11-7 by adding species of cats to the list of Class II wild animals for which a permit is required. Amends 312 IAC 9-11-8 governing the wild cats that are listed as Class III wild animals for which a permit is required and clarifying permit exemptions for hybrids. Amends 312 IAC 9-11-10 governing confining and enclosing wild animals held under a wild animal possession permit. Amends 312 IAC 9-11-11 governing housing requirements for wild animals held under the wild animal possession permit. Amends 312 IAC 9-11-14 governing maintaining a wild animal possessed under the wild animal possession permit to define commercial purpose and make other technical corrections. Effective thirty days after filing with the Publisher.

312 IAC 9-5-11; 312 IAC 9-10-6; 312 IAC 9-10-7; 312 IAC 9-10-11; 312 IAC 9-10-13.1; 312 IAC 9-10-22; 312 IAC 9-10-23; 312 IAC 9-11-1; 312 IAC 9-11-2; 312 IAC 9-11-4; 312 IAC 9-11-7; 312 IAC 9-11-8; 312 IAC 9-11-10; 312 IAC 9-11-11; 312 IAC 9-11-14

SECTION 1. 312 IAC 9-5-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-11 Turtle possession permit

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 4-21.5; IC 14-22

Sec. 11. (a) Except as provided in subsection (b), this section establishes the requirements that an individual must satisfy to possess a turtle that is listed in section 7(c) of this rule.

(b) Exempted from this section is any:

- ~~(1)~~ species of turtle that is possessed lawfully under section 2, 3, or 6 of this rule; and
- ~~(2)~~ endangered species of native turtle that is possessed lawfully under 312 IAC 9-11.

~~(c) The department shall not issue a permit under this section to possess a turtle that is listed as endangered under section 4 of this rule.~~

~~(d)~~ An individual must be an Indiana resident to receive a permit under this section.

~~(e)~~ **(d)** An individual must submit, on a departmental form, an application for a permit under this section within ten (10) days after taking possession of a native **species of** turtle. The application must show the individual lawfully obtained the turtle. For a turtle that was lawfully obtained:

- (1) a receipted invoice;
- (2) a bill of lading; or
- (3) other evidence approved by the director

must accompany the application. ~~A certificate of veterinary inspection from the state of origin must accompany an application for a turtle obtained outside Indiana.~~

~~(f)~~ **(e)** If supported by appropriate documentation, ~~an unlimited number of~~ native turtles that were legally obtained ~~but not taken from the wild~~ may be possessed under this permit.

~~(g)~~ **(f)** A conservation officer shall inspect each cage or enclosure before the first permit can be issued to an applicant. A turtle must be:

- (1) quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles; and
- (2) confined in a cage or other enclosure that:
 - (A) makes escape of the animal unlikely; and
 - (B) prevents the entrance of free-roaming turtles.

The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.

~~(h)~~ **(g)** A turtle possessed under this section:

- (1) must not be:
 - (A) bred;
 - (B) sold;
 - (C) traded;
 - (D) bartered; or
 - (E) released into the wild; and
- (2) may be given only to an individual who possesses a permit under this section.

~~(h)~~ **(h)** A turtle with a straight-line carapace length of four (4) inches or greater must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin **or another permanent unique identifier**. Only pit tags that can be read by an AVID Reader may be implanted. ~~The director may, however, approve a temporary identification method for use on a sick or injured turtle.~~

~~(i)~~ **(i)** A permit holder must not commercially advertise adoption services, **including charging a fee to adopt or re-home a turtle.**

~~(j)~~ **(j)** A permit holder must not place a turtle on public display unless the person also possesses an educational permit issued under 312 IAC 9-10-9.5.

~~(k)~~ **(k)** A copy of the records must be kept on the premises of the permit holder for at least two (2) years after the turtle was obtained, and a copy must be provided to a conservation officer upon request. The records shall include the following:

(1) The:

- (A) taxa;
- (B) number;
- (C) carapace length; and
- (D) weight;

of each turtle obtained.

(2) The:

- (A) complete name;
- (B) address; and
- (C) telephone number;

of the person from whom a turtle was obtained.

(3) The date obtained.

(4) The unique passive integrated transponder code of each implanted turtle **or identification of the unique permanent identifier for each turtle.**

~~(l)~~ **(l)** A conservation officer:

(1) may enter the premises of the permit holder at all reasonable hours to inspect:

- (A) those premises; ~~and~~
- (B) any records relative to the permit; **and**
- (C) any turtle possessed under this permit.**

(2) shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions; and

(3) may make a second inspection after ten (10) days to determine if any permit deficiency has been corrected that was reported to the permit holder.

~~(m)~~ **(m)** A permit expires on June 30 of the third year following the year in which the permit was issued. **A renewal application must be submitted to the department by July 31 of the year the permit expires. The permit holder must submit one (1) or more photographs that document the permanent unique identifier and submit it to the department to**

~~(n)~~ (n) The permit holder must provide an annual report **on a completed departmental form** to the division by July 15 of each year with the following information:

- (1) The taxa and number of each native turtle.
- (2) The date the turtle was obtained.
- (3) The unique passive integrated transponder code of each implanted turtle or another type of unique **permanent** identification.

~~(o)~~ (o) A permit may be suspended, denied, or revoked and any turtle confiscated, under IC 4-21.5, if the permit holder fails to comply with any of the following:

- (1) A permit issued under this section.
- (2) This article.
- (3) Another applicable state, local, or federal law.

(Natural Resources Commission; 312 IAC 9-5-11; filed Sep 23, 2004, 3:00 p.m.: 28 IR 546; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Apr 1, 2008, 10:28 a.m.: 20080430-IR-312070735FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 2. 312 IAC 9-10-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-6 Scientific purposes licenses

Authority: IC 14-22-2-6; IC 14-22-22

Affected: IC 4-21.5; IC 14-22-22-2; IC 20-19-2-8; IC 20-19-2-10; IC 20-20-2-2

Sec. 6. (a) An individual shall apply for a scientific purposes license on a departmental form and include the following information:

- (1) The purpose for taking wild animals.
- (2) The species of wild animal and the number of the species to be taken.
- (3) The location from which wild animals are to be taken.
- (4) The method of taking wild animals.
- (5) The intent to administer any:
 - (A) drug;
 - (B) vaccine;
 - (C) steroid;
 - (D) microorganism; or
 - (E) other chemical;to the wild animal taken.
- (6) The intended treatment of the wild animal taken, including the use of bacterial or other markers and any proposed genetic modification.
- (7) The disposition of the wild animal taken or nest or egg of a wild bird taken.
- (8) For a new applicant, the signatures of two (2) scientists that have a degree in the biological sciences attesting to the character, academic and scientific accomplishments, and fitness of the applicant. An applicant currently pursuing a bachelor's degree must obtain the signature of a faculty biologist for that taxonomic group.

(b) A license issued under this section is subject to the specifications set forth in the application and to terms, conditions, and restrictions on the license. The director may condition the license according to any of the following:

- (1) The species of wild animal and number of the species that may be taken.
- (2) The location and method of taking wild animals.
- (3) The time and seasons for taking wild animals.
- (4) The location from which wild animals may be taken.
- (5) The use and disposition of the wild animal or nest or egg of a wild bird held, treated, or taken under this rule.
- (6) The applicant receiving and possessing a valid license from the United States Fish and Wildlife Service under 50 CFR 17.22, 50 CFR 17.32, 50 CFR 21.22, 50 CFR 21.23, and 50 CFR 21.27 for any of the following:
 - (A) A migratory bird.
 - (B) The nest or egg of a migratory bird.
 - (C) A federally endangered or threatened species of wild animal.

(c) The license holder under this section must carry the license and any amendments to the license when conducting any activity authorized by the license.

(d) The director may amend the conditions of a license issued under this section at any time upon written notification to the license holder. A notice under this subsection is subject to IC 4-21.5.

(e) The director may issue a license under this section only to a properly accredited individual who will take the wild animal or nest or egg of a wild bird for a scientific purpose, including scientific education. A properly accredited individual is one who meets at least one (1) of the following requirements:

- (1) Holds a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (2) Be currently pursuing a bachelor's degree in the biological sciences or related field that the director deems appropriate for the purpose outlined in the application.
- (3) Hold a federal permit for the purpose indicated in the application.
- (4) Be requested by an accredited educational or scientific institution to perform this activity for the institution. The institution must present a valid and compelling need for the applicant to perform the activity covered by this license for the institution.
- (5) Be sponsored by the department to perform the activity for the protection and regulation of wild animal populations.

(f) ~~As used in this section, an accredited scientific or educational institution is~~ **An applicant must be affiliated with one of the following:**

- (1) A **school as follows:**
 - (A) public school accredited under IC 20-19-2-8;
 - (B) nonpublic school recognized under IC 20-19-2-10 and accredited under IC 20-19-2-8;
 - or
 - (C) college or university.
- (2) A federal, state, city, county, or similar government agency associated with a biological or scientific area of study or research.

(3) A nonprofit educational organization with an exemption from federal income tax under 26 U.S.C. 501(c)(3). The educational organization must be associated with a biological or scientific area of study or research. The applicant must provide written documentation to the department certifying that tax exemption status has been achieved under 26 U.S.C. 501(c)(3).

(4) A scientific research organization, accredited museum, or institution of higher learning, consulting firms, individuals working in cooperation with a college, university, or government agency, or private company under a contract for scientific or educational purposes.

(g) An individual possessing a license under this section must ensure compliance with monitoring, tagging, and reporting requirements for all extra-label drug use as required in 21 CFR 530, et seq. (1998). Documentation in the form of written approval from a licensed veterinarian or approval from a university animal care and use committee to use the drug or chemical for the purposes intended must be submitted to the department.

(h) An individual possessing a license under this section must not sell or transport for sale and offer to sell a wild animal or a part of a wild animal possessed under the authority of the license issued under this section. As used in this subsection, "sale" includes barter, purchase, or trade or the offer to sell, barter, purchase, or trade.

(i) A license issued under this section is not transferable. An individual may assist the license holder if the license holder is present and oversees the activities of the individual.

(j) The license holder must obtain permission from the landowner or public land property manager to conduct an activity authorized by a license issued under this section. For an activity to be conducted on lands owned or operated by a federal, state, or local agency, the license holder must also comply with the conditions imposed by the property manager or the designee of the property manager.

(k) A license issued under this section expires on December 31 of the year the license is issued. A report of the collection must be supplied within sixty (60) days after the expiration of the license and contain the following information:

- (1) Any species of wild animal taken.
- (2) The date on which a wild animal or nest or egg of a wild bird was taken.
- (3) A description of the location of the site of capture.
- (4) The number of each species taken.
- (5) The treatments and markings, if any, of any wild animal taken.
- (6) The disposition of any wild animal or nest or egg of a wild bird taken.

The department shall not renew a license unless a properly completed report is received in a timely fashion.

(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder:

- (1) fails to comply with:
 - (A) a provision of a license issued under this section; or
 - (B) IC 14-22-22-2;
- (2) provides false information on the license application and report;

- (3) fails to establish that the taking or release of a wild animal would not threaten the welfare of the wild animal population or the people; or
- (4) collects or releases a specimen that is likely to threaten the welfare of the:
 - (A) wild animal population; or
 - (B) people.

SECTION 3. 312 IAC 9-10-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-7 Field trial permits

Authority: IC 14-22-2-6; IC 14-22-24

Affected: IC 14-22

Sec. 7. (a) A person may be issued a field trial permit only for a trial listed with the division by a sanctioning national or regional hunting dog association. ~~The list must include the following:~~

- ~~(1) The name of the sponsoring club, group, or individual.~~
- ~~(2) The name and address of the responsible official.~~
- ~~(3) The type and location of the trial.~~
- ~~(4) The location of the trial headquarters.~~
- ~~(5) The dates of the trial.~~

~~The list must be received by the division by February 1 for a trial to be conducted the following March through August and by August 1 for a trial to be conducted the following September through February, except a field trial to be held solely on property owned, leased, or managed by the division.~~

(b) A person must apply for a field trial permit on a completed departmental form received by the division at least ~~twenty-one (21)~~ **ten (10) business** days before the proposed field trial.

(c) The field trial permit and a complete roster of participants in the field trial must be:

- (1) kept at the trial headquarters during the event; and
- (2) presented to a conservation officer upon request.

(d) During a field trial, each participant shall carry a card approved by the responsible official that specifies the following:

- (1) The number of the field trial permit.
- (2) The name and address of the participant.

The card must be presented to a conservation officer upon request.

(Natural Resources Commission; 312 IAC 9-10-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jul 11, 2006, 9:04 a.m.: 20060802-IR-312060009FRA; errata filed Aug 9, 2006, 12:00 p.m.: 20060906-IR-312060009ACA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 4. 312 IAC 9-10-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-28

Affected: IC 14-22

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

- (1) causing damage or threatening to cause damage to property; or
- (2) posing a health or safety threat to persons or domestic animals.

The method **and dates** of control and disposition of the animal shall be set forth in the permit.

(b) A wild animal taken under this section shall not be:

- (1) possessed for more than ~~forty-eight (48) hours~~ **seven (7) days; and or**
- (2) sold;
- (3) traded;
- (4) bartered; or
- (5) gifted, **except as authorized in subsection (p).**

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.

(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit, either:

- (A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or
- (B) complete thirty-two (32) hours of continuing education as approved by the division.

(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

~~(e) (f)~~ **An individual** who does not hold a permit under ~~subsection (d)~~ **this section** may assist a permittee, but only if the permittee directly supervises **or coordinates the activities of** the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

~~(f)~~ **(g)** A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

~~(g)~~ **(h)** The following methods may be used to take a wild animal under this section:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except as follows:

(A) A foothold trap that:

- (i) possesses saw-toothed or spiked jaws; or
- (ii) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters ($5\frac{3}{4}$) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters ($5\frac{3}{4}$) inches unless the jaws of the trap have at least a one-eighth ($\frac{1}{8}$) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); and
- (iii) has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half ($6\frac{1}{2}$) inches and the inside width between the trap's hinge posts greater than six and one-half ($6\frac{1}{2}$) inches and set on land.

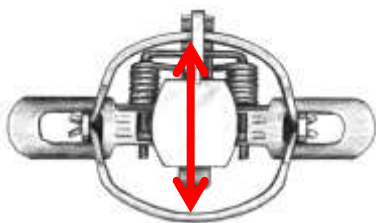


Figure 1

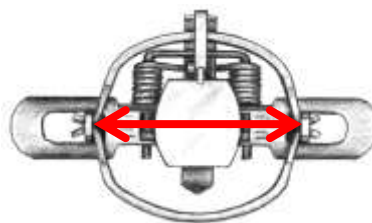


Figure 2

Offset Jaws

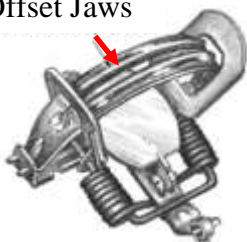


Figure 3

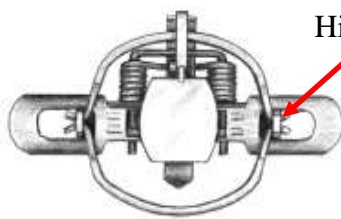


Figure 4

Standard Jaws

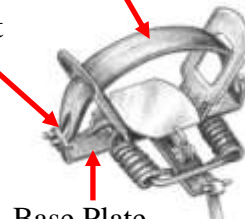


Figure 5

(B) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(C) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement)

when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

- (3) Snares with a circumference no not greater than fifteen (15) inches unless:
 - (A) at least fifty percent (50%) of the loop of the snare is covered by water; or
 - (B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).
- (4) Any other methods specified by the permit.

~~(h)~~ (i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

~~(i)~~ (j) The following restrictions apply to the treatment of an animal captured live under this permit:

- (1) When on-site release is not the best viable option, the animal must be:
 - (A) released in the county of capture with prior consent from the landowner or landowner's agent;
 - (B) euthanized; or
 - (C) treated as otherwise authorized in the permit.
- (2) An animal must be euthanized with the:
 - (A) safest;
 - (B) quickest; and
 - (C) most painless;available method as recommended and approved by the division of fish and wildlife.
- (3) Prior consent is required from the:
 - (A) landowner; or
 - (B) landowner's agent;before an animal is released on any property.

~~(j)~~ (k) A permit expires on December 31 of the year the permit is issued **unless otherwise specified on the permit**. The permittee must maintain a current record to include the following:

- (1) The name and address of the landowner assisted.
- (2) The date assistance was provided.
- (3) The number and species of animals affected.
- (4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

~~(k)~~ (l) A permittee must file an application by January ~~15~~ **31** of each year in order to renew a permit. The annual report required under subsection (l) must accompany the renewal application.

~~(l)~~ (m) The permit holder shall provide an annual report to the division by January ~~15~~ **31** of each year. The report shall list the following:

- (1) The:
 - (A) number; and

- (B) species;
of animals taken.
- (2) The county where the animal was captured.
- (3) The method of disposition.
- (4) The county where released (if applicable).

~~(m)~~ (n) A permit issued under this section may be suspended or revoked if the permittee does the following:

- (1) Fails to comply with any of the following:
 - (A) IC 14-22.
 - (B) This article.
 - (C) A term of the permit.
- (2) Provides false information to obtain a permit under this section.
- (3) Uses or employs any:
 - (A) deception;
 - (B) false pretense; or
 - (C) false promise;

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

~~(n)~~ (o) No permit shall be issued under this section:

- (1) for the control of a migratory bird ~~except a mute swan~~;
- (2) for a wild animal that is identified under this article as:
 - (A) an endangered; or
 - (B) a threatened;
species; or
- (3) if granting the permit would violate a federal law.

(p) Notwithstanding subsection (b), the hide, carcass, or other part of a wild animal taken under this section may be gifted with no compensation of any kind to:

(1) an accredited scientific or educational institution with a special purpose salvage permit issued under 312 IAC 9-10-13.5; or

(2) the department;

if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(Natural Resources Commission; 312 IAC 9-10-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286;

SECTION 5. 312 IAC 9-10-13.1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-13.1 Falconry licenses

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-23

Affected: IC 4-21.5; IC 14-22-31; IC 35-47-2

Sec. 13. (a) A license is required under this section for an individual to practice falconry.

(b) The following definitions apply throughout this section:

(1) "Abatement" means the use of a raptor to mitigate depredation and nuisance problems from other birds for the protection of human health and safety and domestic and wild animals.

(2) "Aerie" means the nest of a raptor on a cliff, mountaintop, or man-made building.

(3) "Bate" means to attempt to fly off of something while tethered.

(4) "Captive-bred" means raptors, including their eggs, hatched in captivity from parents that mated in captivity or otherwise transferred gametes in captivity.

(5) "Chamber-raised" means parent-reared for a minimum of ten (10) weeks.

(6) "Eyass" means a young raptor that is:

(A) still in the nest or aerie; and

(B) not capable of flying.

The term is also known as a nestling.

(7) "Giant hood" means any enclosure that affords protection and a suitable perching surface, be it a modified dog style carrier, cardboard box, custom plastic or wood constructed enclosure, including the enclosed areas of vehicles with perching set-ups such as those used by falcons.

(8) "Hack" means to temporarily release a raptor held for falconry to the wild so that it must survive on its own.

(9) "Hybrid" means an offspring of birds listed as two (2) or more distinct species in 50 CFR 10.13, or offspring of birds recognized by ornithological authorities as two (2) or more distinct species listed in 50 CFR 10.13.

(10) "Imping" means grafting a damaged feather with a molted feather onto a trained raptor to repair damage.

(11) "Imprinted" means a bird that is hand-raised, from two (2) weeks of age until it has fledged, and has identified itself with humans rather than its own species. An imprinted bird is considered to be so for its entire lifetime.

(12) "Leg band" means a permanent, nonreusable, numbered United States Fish and Wildlife Service band supplied by the department to be affixed to a raptor's leg.

(13) "Mew" means an indoor enclosure for housing a raptor.

(14) "Passage bird" means a wild raptor that is still in its immature plumage, with no presence of new adult tail or primary wing feathers.

(15) "Retrices" means the long, stiff, asymmetrically shaped, but symmetrically paired feathers on the tail of a bird.

(16) "Seamless metal band" means a numbered and seamless United States Fish and Wildlife Service band that is placed on the raptor's leg (metatarsus) to identify it as captive-bred.

(17) "Weathering area" means an outdoor enclosure for housing a raptor.

(18) "Wild raptor" means a raptor that was originally taken from the wild, regardless of how long it is held in captivity or transferred to another license holder or permit/license type.

(c) An application to practice falconry must be completed upon a signed departmental form.

(d) The department recognizes the following three (3) classes of falconry licenses:

(1) An apprentice class falconry license may be issued to an applicant as follows who:

(A) Is at least twelve (12) years of age.

(B) If under eighteen (18) years of age submits an application that is cosigned by a parent or legal guardian who is legally responsible for the applicant's activities.

(C) Submits with the application a document signed and dated by a holder of a valid general or master class license who is at least eighteen (18) years of age and has at least two (2) years of experience at the general falconer level who agrees to sponsor and assist the applicant with the following:

(i) Learning about the husbandry and training of raptors held for falconry.

(ii) Learning about relevant wildlife laws and regulations.

(iii) Deciding what species of raptor is appropriate for the applicant to possess while an apprentice.

(D) Complies with subsection (j).

(E) Has raptor housing facilities that an Indiana conservation officer has inspected and found to meet the standards set forth in subsection (m).

(2) A general class falconry license may be issued to an applicant as follows who:

(A) Is at least sixteen (16) years of age.

(B) If under eighteen (18) years of age submits an application that is cosigned by a parent or legal guardian who is legally responsible for the applicant's activities.

(C) Submits with the application a signed and dated document from the applicant's apprentice class license sponsor stating that the applicant has practiced falconry with a wild raptor possessed under the applicant's apprentice class falconry license or equivalent for at least four (4) months of each of two (2) consecutive years. The falconry practice:

(i) shall include hunting with that raptor; and

(ii) may include the capture and release of falconry raptors.

(3) A master class falconry license may be issued to an applicant who has practiced falconry with raptors possessed by the applicant under a general class falconry license or equivalent for at least four (4) months of each of five (5) calendar years. The falconry practice shall include hunting with the applicant's raptors.

(e) If a sponsor identified under subsection (d)(1)(C) terminates sponsorship of an apprentice class license holder, the following:

(1) The sponsor shall provide the following:

(A) The apprentice class license holder with a signed and dated document stating the apprentice class license holder's falconry experience and the term of sponsorship that can be used by the apprentice class license holder to comply with subsection (d)(2)(C).

(B) The department with written notification within five (5) calendar days of the sponsorship termination.

(2) The apprentice class license holder shall submit a document to the department that is compliant with the requirements under subsection (d)(1)(C) identifying a new sponsor within thirty (30) calendar days of the termination.

(f) A lapsed falconry license may be reinstated as follows:

(1) An individual whose falconry license has lapsed for fewer than five (5) years may have the license reinstated at the level held previously if the applicant can establish the class of license previously held.

(2) An individual whose falconry license has lapsed for five (5) years or longer may have the license reinstated at the level held previously if the applicant:

(A) complies with subsection (j); and

(B) can prove the class of license held previously; and

(3) A falconry license that has been suspended or revoked will not be reinstated under this subsection during the term of the suspension or revocation.

(g) An individual who has experience in falconry and has resided in the United States for at least sixty (60) days but not more than two (2) years may qualify for a falconry license appropriate to the individual's experience if the applicant:

(1) complies with subsection (j);

(2) has raptor housing facilities that an Indiana conservation officer has inspected and found to meet the standards set forth in subsection (m); and

(3) provides documentation of experience sufficient for the department to determine the class of falconry license, consistent with subsection (d), for which the applicant is qualified.

(h) If a license holder moves raptors possessed under this section outside the jurisdiction of the department, the license holder must notify the:

(1) department; and

(2) permitting authority in the license holder's new jurisdiction;
of the address change within thirty (30) days.

(i) If an individual holding a valid falconry license from another jurisdiction within the United States moves to Indiana bringing raptors possessed under that license, the individual must within thirty (30) days:

(1) notify the department of the address change; and

(2) apply for a license under this section.

The individual may retain possession of raptors while applying for a license.

(j) Before a license may be issued under subsection (d)(1), (f)(2), or (g), the applicant must correctly answer at least eighty percent (80%) of the questions on a supervised examination covering:

(1) raptor biology;

(2) the care and handling of raptors; and

(3) federal and state laws relating to falconry.

An individual who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not for a third time within one hundred eighty (180) days after a second failure.

(k) A license under this section expires the last day of February of the third year following the year in which the license was issued.

(l) A license holder must comply with the following banding and reporting requirements:

(1) A leg band must be obtained from the department before a license holder attempts to acquire a raptor from the wild.

(2) A leg band must be attached to each raptor within ten (10) days of acquisition.

(3) Within ten (10) days of:

(A) acquiring a raptor;

(B) transferring a raptor to another license type or individual;

(C) banding or rebanding a raptor;

(D) microchipping a raptor;

(E) losing a raptor that has escaped into the wild and is not recovered within thirty (30) days; ~~or~~

(F) losing a raptor due to death or theft; **or**

(G) releasing a raptor;

a license holder shall enter the required information in the federal electronic database or submit a Form 3-186A to the department.

(4) A captive-bred raptor must be banded with a seamless metal band obtained from the United States Fish and Wildlife Service.

(5) In addition to the leg band required under subdivision (1) and the seamless metal band required under subdivision (4), a license holder may also purchase and implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in a raptor possessed under this section.

(6) If a seamless metal band is removed or lost, a license holder must report it and request a replacement band from the department within ten (10) days of removal or noting the loss of the band.

(7) If a leg band must be removed or is lost from a raptor in a license holder's possession, the license holder must report the loss of the band within five (5) days and must then do at least one (1) of the following:

(A) Request a leg band from the department and reband the raptor.

(B) Purchase and implant an ISO compliant (134.2 kHz) microchip in the raptor.

(8) A license holder or any other individual must not alter, deface, or counterfeit a leg band or seamless metal band.

(9) A license holder may remove the rear tab on a leg band and smooth any imperfect surface, if the integrity of the band and the numbering are not affected.

(10) If a license holder documents health problems or injury in a raptor caused by a leg band or seamless metal band, the license holder may request an exemption from the department for that raptor. If an exemption is approved by the department, the license holder must keep a copy of the exemption paperwork on his or her person when transporting or flying the raptor. If the raptor is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the license holder must replace the band with an ISO compliant microchip that will be supplied by the department. The department will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless the license holder has demonstrated that a band causes an injury or a health problem for the raptor.

(11) A license holder may not band a raptor taken from the wild with a seamless metal band.

- (m) A license holder shall provide housing facilities as follows:
- (1) All facilities shall be inspected by an Indiana conservation officer and found to meet the standards in this subsection before obtaining a bird for use in falconry.
 - (2) All facilities shall provide humane and healthful living conditions.
 - (3) The license holder may house compatible raptors together untethered.
 - (4) Each raptor must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.
 - (5) Primary enclosures shall be mews or weathering areas or a combination of characteristics of both that provides the following:
 - (A) A suitable perch for each raptor with at least one (1) opening for sunlight.
 - (B) Protection for the raptor from the environment, predators, domestic animals, or other undue disturbance.
 - (C) An area large enough to allow the raptor to fly if not tethered or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.
 - (6) In addition to the requirements of subdivisions (1) through (5), the following are applicable to mews:
 - (A) Mews must be large enough to allow easy access for the care and feeding of the raptors.
 - (B) For raptors that are not tethered, walls of mews that are not solid must be protected on the inside. Suitable protective materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.
 - (C) Acceptable mews may include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.
 - (D) A raptor may be kept inside a license holder's place of residence if:
 - (i) a suitable perch is provided; and
 - (ii) the raptor is tethered except when being moved into or out of the location where it is kept.The license holder is not required to modify windows or other openings of the residence.
 - (7) In addition to the requirements of subdivisions (1) through (5), the following are applicable to a weathering area:
 - (A) A weathering area must be totally enclosed and be made of:
 - (i) heavy gauge wire;
 - (ii) heavy-duty plastic mesh;
 - (iii) slats;
 - (iv) pipe;
 - (v) wood; or
 - (vi) another suitable material.
 - (B) A weathering area must be covered.
 - (C) A weathering area must:
 - (i) have at least one (1) covered perch for each raptor; and
 - (ii) be constructed of acceptable design to protect the raptor from predators, weather, domestic animals, or other undue disturbance.
 - (D) A weathering area must be large enough to ensure that the raptors cannot strike the enclosure when flying from the perch.

(E) New types of weathering areas or husbandry practices, or both, may be used if they satisfy the requirements above and are approved in writing by the department.

(8) A temporary housing facility must:

(A) be used for not more than one hundred twenty (120) consecutive calendar days;

(B) have a suitable perch; and

(C) protect the raptor from extreme temperatures, predators, domestic animals, wind, and excessive disturbances.

(9) The license holder may keep raptors outside in the open if they are under watch by the license holder or the license holder's designee in a weathering yard at a falconry meet or other location.

(10) The license holder's housing facilities may be located on property owned by another person only if the license holder submits a signed and dated statement confirming that the property owner agrees that the falconry facilities and raptors may be inspected by a conservation officer at any reasonable time of day without advance notice in the presence of the license holder or in the presence of the property owner, except the conservation officer may not enter the facilities or disturb the raptors unless the license holder is present.

(11) The license holder must inform the department within five (5) business days if the location of the housing facilities has changed.

(n) The license holder shall make:

(1) records;

(2) housing facilities;

(3) raptors; and

(4) equipment;

available for inspection by an Indiana conservation officer at any reasonable time without advance notice in the presence of the license holder. In the event of immediate concern for the welfare of the raptor, the department may conduct an inspection with a court order without the presence of a license holder.

(o) The license holder must have his or her falconry license, or legible copies, in immediate possession at all times if the license holder is not at the location of his or her primary housing facilities and is:

(1) trapping;

(2) transporting;

(3) working with; or

(4) flying;
the raptor.

(p) When:

(1) transporting a raptor;

(2) hunting with a raptor; or

(3) a raptor is away from the permanent facility where it is housed;

a license holder shall provide a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance. A giant hood or similar enclosure is acceptable for transporting or housing a raptor when the raptor is away from its primary enclosure.

(q) A license holder must have the following equipment for each raptor:

- (1) A pair of jesses of high quality leather or suitable synthetic material or the materials and equipment to make them. Traditional one (1) piece jesses may be used on a raptor when not being flown.
- (2) A flexible, weather-resistant leash and a strong swivel of acceptable falconry design.
- (3) An appropriate, reliable scale or balance graduated to increments of not more than one-half (1/2) ounce (fifteen (15) grams) for weighing a raptor.

(r) A license holder may allow an individual to temporarily care for a raptor possessed under this section as follows:

- (1) The license holder shall provide the individual providing the care with the following:
 - (A) A copy of the Form 3-186A showing that the license holder is the possessor of each raptor.
 - (B) A signed and dated statement:
 - (i) authorizing the temporary possession of the raptor;
 - (ii) specifying the duration of the temporary possession; and
 - (iii) specifying what the caregiver is authorized to do with the raptor.
- (2) If the caregiver holds a valid falconry license, the caregiver may do the following:
 - (A) Care for the raptor for a maximum one hundred twenty (120) consecutive days.
 - (B) Care for the raptor at the facilities of the license holder or the caregiver.
 - (C) Fly the raptor as authorized by the license holder if the caregiver holds the appropriate level falconry license.
- (3) If the caregiver does not hold a valid falconry license, the caregiver may do the following:
 - (A) Care for the raptor for a maximum of forty-five (45) consecutive days.
 - (B) Care for the raptor only at the facilities of the license holder.
 - (C) Not fly the raptor for any reason.
- (4) Notwithstanding subdivision (2)(A) or (3)(A), the department may approve indefinite extensions of temporary care in extenuating circumstances, including:
 - (A) illness;
 - (B) military service; or
 - (C) family emergency.

The department will consider such instances on a case-by-case basis.

(5) A raptor in temporary care will remain on the falconry license of the individual identified on the Form 3-186A. If the caregiver is also a license holder, the raptor will not be counted against the possession limit of the caregiver.

(s) To practice falconry, an individual who resides in the state of Indiana for more than one hundred twenty (120) consecutive days, but does not maintain a primary residence in the state, must:

- (1) obtain a license under this section within one hundred twenty (120) days of arriving in Indiana;
- (2) be a valid license holder in the individual's state of residence; and
- (3) possess only the number and species of raptors authorized under this section for the license class held.

(t) Regardless of the number of state, tribal, or territorial falconry permits possessed, the following:

(1) An apprentice class license holder shall possess not more than one (1) raptor at a time as follows:

(A) The first raptor possessed must be either:

- (i) a wild American kestrel (*Falco sparverius*); or
- (ii) a wild red-tailed hawk (*Buteo jamaicensis*);

that the apprentice class license holder actively participated in capturing from the wild.

(B) After possessing a raptor described in clause (A) for six (6) months or longer, an apprentice class license holder may subsequently possess:

- (i) an American kestrel (*Falco sparverius*);
- (ii) a red-tailed hawk (*Buteo jamaicensis*); or
- (iii) a Harris's hawk (*Parabuteo unicinctus*);

that is wild or captive-bred and chamber-raised.

(C) The raptor must not be taken from the wild as an eyass.

(D) The raptor must not be imprinted on humans.

(2) A general class license holder shall not possess more than three (3) raptors as follows:

(A) The raptors may be of any Falconiform or Strigiform species except a:

- (i) federally listed threatened or endangered species;
- (ii) bald eagle (*Haliaeetus leucocephalus*);
- (iii) white-tailed eagle (*Haliaeetus albicilla*);
- (iv) Steller's sea eagle (*Haliaeetus pelagicus*); or
- (v) golden eagle (*Aquila chrysaetos*).

(B) The raptors may be wild, captive-bred, or hybrid species.

(3) A master class license holder may possess any Falconiform or Strigiform species except a bald eagle as follows:

(A) Only five (5) of the raptors possessed, including golden eagles, may be wild raptors.

(B) An unlimited number of captive-bred raptors may be possessed only if the license holder:

- (i) trains them in the pursuit of wild game; and
- (ii) uses them in hunting.

(C) Only one (1) federally listed threatened or endangered species of raptor may be possessed.

(D) A maximum of three (3) eagles of the species:

- (i) golden eagle;
- (ii) white-tailed eagle; or
- (iii) Steller's sea eagle;

may be possessed if the department approves a request to possess an eagle under clause (E).

(E) A master class license holder shall obtain the approval of the department before obtaining an eagle under clause (D) by submitting documentation of the following:

(i) The license holder's experience in handling large raptors, including information about the species the individual has handled and the type and duration of the activity in which the experience was gained.

(ii) At least two (2) letters of reference from individuals with experience handling or flying, or both, large raptors such as eagles, ferruginous hawks (*Buteo regalis*), red-tailed hawks (*Buteo jamaicensis*), goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the license holder's ability to care for eagles and fly them in falconry.

- (u) A license holder may take a raptor from the wild for use in falconry only as follows:
- (1) A license holder may take not more than two (2) raptors from the wild annually.
 - (2) A license holder must not take a species of raptor from the wild in Indiana that is classified as threatened or endangered under:
 - (A) 50 CFR 17.11; or
 - (B) 312 IAC 9-4-14.
 - (3) An individual with a falconry license issued by another state may lawfully take a raptor in Indiana only if the individual has a master or general class falconry license issued from the state of residence.
 - (4) Eyasses may be taken from the wild only by the holder of a general or master class falconry license from January 1 through August 31 of each year subject to the following restrictions:
 - (A) The holder of a general class falconry license may take only one (1) eyass each year.
 - (B) The holder of a master class falconry license may take not more than two (2) eyasses each year.
 - (C) At least one (1) eyass must remain in the nest.
 - (5) A license holder may take passage birds from September 1 through the last day of February of the following year.
 - (6) A license holder may take only the following species of raptor over one (1) year of age:
 - (A) American kestrel (*Falco sparverius*).
 - (B) Great horned owl (*Bubo virginianus*).These raptors may be taken at any time of year.
 - (7) A license holder may not intentionally capture a raptor species that may not be possessed by the license holder.
 - (8) A license holder must not take raptors at any time or in any manner that violates any law on whose land the license holder is trapping.
 - (9) A license holder must immediately release any raptor that is captured unintentionally or is not allowed to be possessed.
 - (10) A master class license holder authorized to possess golden eagles may capture an immature or subadult golden eagle in a livestock depredation area in accordance with 50 CFR 21.29.
 - (11) A master class license holder may take not more than one (1) raptor of a federally threatened species from the wild each year if:
 - (A) the take is allowed in the location where the raptor was taken;
 - (B) the raptor is taken in accordance with this section; and
 - (C) a federal endangered species permit is obtained before taking the raptor.
 - (12) Raptors may be taken by an individual other than the license holder as follows:
 - (A) If the license holder is present at the capture site, as follows:
 - (i) The individual capturing the raptor is not required to hold a license under this subsection.
 - (ii) The capture of the raptor counts towards the take of wild raptors by the license holder.
 - (iii) The license holder must fulfill the requirements of subsection (1).
 - (B) If the license holder is not present at the capture site, as follows:
 - (i) The individual capturing the raptor must hold a general or master class falconry license.
 - (ii) The individual capturing the raptor must fulfill the requirements of subsection (1) and if the raptor is transferred to another license holder the license holder who retains the raptor shall also fulfill the requirements of subsection (1).

(C) Notwithstanding clause (B), the holder of a general or master class falconry license may capture a raptor for a license holder who has a long-term or permanent physical impairment that prevents him or her from attempting to capture a raptor species to use for falconry. The license holder with the long-term or physical impairment who retains the raptor shall:

- (i) fulfill the requirements of subsection (I); and
- (ii) count the raptor towards the take of wild raptors.

(13) Except under subdivision (12)(C), a license holder who captures a wild raptor and transfers the wild raptor to another license holder in the same calendar year must count the raptor as one (1) of the raptors the license holder is allowed to take from the wild that year. The transferred wild raptor will not count against the take of wild raptors by the transferee.

(14) If a raptor is injured by the trapping efforts of a license holder, the license holder must:

(A) put the raptor on the license holder's falconry license and:

- (i) count the raptor against the license holder's take of wild raptors;
- (ii) count the raptor against the license holder's possession limits;
- (iii) fulfill the requirements of subsection (I); and
- (iv) have the raptor treated by a veterinarian or a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.29; or

(B) give the raptor directly to:

- (i) a licensed veterinarian;
- (ii) a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.29; or
- (iii) an appropriate department employee.

Under either option, the license holder is responsible for the costs of care and rehabilitation of the raptor.

(15) A master class license holder may take an unbanded, juvenile peregrine falcon (*Falco peregrines*) from the wild in accordance with the season dates and bag limit authorized in 50 CFR 20 and this section and only with prior written approval from the division of fish and wildlife.

(v) A license holder may acquire any age of raptor of a species the license holder is authorized to possess directly from a rehabilitator only as follows:

(1) Transfer to a license holder is at the discretion of the rehabilitator.

(2) A raptor that is acquired from a rehabilitator will count as one (1) of the raptors allowed to be taken from the wild that year.

(w) A license holder may transfer raptors as follows:

(1) A captive-bred raptor marked with a seamless metal band or microchip may be sold, purchased, bartered, or traded to an individual who is authorized to possess captive-bred raptors.

(2) A wild raptor may be given to ~~an individual who is authorized to possess wild raptors~~ **the holder of another permit type as follows:**

(A) To the holder of a raptor propagation permit, including the falconry license holder, as follows:

(i) A sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), Merlin (*Falco columbarius*), or American kestrel after used in falconry for at least one (1) year.

(ii) All other wild raptors after used in falconry for two (2) years.

(B) At any time after the license holder's acquisition of a wild raptor the raptor may be transferred to the holder of another permit type that authorizes the possession of the wild raptor if the wild raptor has been injured and a licensed veterinarian or wild animal rehabilitator licensed under section 9 of this rule has determined that the wild raptor can no longer be flown for falconry. The license holder shall submit a certification from the veterinarian or wild animal rehabilitator confirming that the wild raptor is not useable in falconry.

(3) Unlimited transfers of wild or captive-bred raptors are allowed, but a license holder must not exceed the possession limit for the license class held.

(x) A species or subspecies that was recently removed from the federal List of Endangered and Threatened Wildlife may be used in falconry only if:

- (1) the U.S. Fish and Wildlife Service has published a management plan for the species;
- (2) take of the species is authorized by the management plan; and
- (3) the raptor is taken in accordance with the management plan.

(y) Raptors captured with bands, markings, or transmitters are subject to the following:

(1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band if authorized under subsections (t) and (u), except for a peregrine falcon, which must be released immediately.

(2) A license holder who captures a raptor, including a peregrine falcon, that has a Federal Bird Banding Laboratory aluminum band, or other research band, research marking, or transmitter shall:

(A) promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263; and

(B) if the raptor is a peregrine falcon that is fitted with a research band (such as a colored band with alphanumeric codes) or research marking, immediately release the raptor, except as authorized in subdivision (3).

(3) Notwithstanding subdivisions (1) and (2), a license holder who captures a raptor, including a peregrine falcon, that is fitted with a transmitter may possess the raptor for a maximum of thirty (30) days to do the following:

(A) Contact the researcher.

(B) At the discretion of the researcher, allow the researcher or the researcher's designee to:

- (i) replace the transmitter;
- (ii) replace the transmitter batteries; or
- (iii) remove the transmitter.

If the researcher removes the transmitter the license holder may keep the raptor if the license holder lawfully took and is authorized to possess the raptor.

(4) If a license holder temporarily possesses a raptor under this subsection, it will not count against the license holder's possession limit.

(z) A license holder may recapture a falconry raptor, including a peregrine falcon that has a leg band, a seamless metal band, a transmitter, falconry equipment, or any other item attached to its body identifying it as a falconry raptor.

(1) A license holder who recaptures a falconry raptor shall comply with the following:

(A) Report the capture to the department within five (5) working days after the capture.

- (B) Return the raptor to the individual who lost it if the individual is authorized to possess it.
- (C) Dispose of a raptor whose legal possession cannot be determined at the direction of the department.
- (2) A license holder may keep a falconry raptor that was lawfully recaptured if the individual who lost the raptor is not authorized to possess the raptor or does not wish to possess it.
- (3) The temporary possession of a falconry raptor under this subsection will not count against the license holder's possession limit.
- (4) The recapture of a wild raptor is not considered to be taking a raptor from the wild.

~~(aa) A license holder may transfer the following:~~

- ~~(1) A wild raptor to the holder of another permit type as follows:~~
 - ~~(A) To the holder of a raptor propagation permit as follows:~~
 - ~~(i) A sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), Merlin (*Falco columbarius*), or American kestrel after used in falconry for at least one (1) year.~~
 - ~~(ii) All other wild raptors after used in falconry for two (2) years.~~
 - ~~(B) At any time after the license holder's acquisition of a wild raptor the raptor may be transferred to the holder of another permit type that authorizes the possession of the wild raptor if the wild raptor has been injured and a licensed veterinarian or wild animal rehabilitator licensed under section 9 of this rule has determined that the wild raptor can no longer be flown for falconry. The license holder shall submit a certification from the veterinarian or wild animal rehabilitator confirming that the wild raptor is not useable in falconry.~~
- ~~(2) A raptor to another license type possessed by the falconry license holder.~~

~~(bb)~~ Raptors possessed under the falconry license of a deceased license holder may be transferred by the:

- (1) surviving spouse;
- (2) executor;
- (3) administrator; or
- (4) other legal representative;

to another license holder within ninety (90) days of the death of the license holder. After ninety (90) days, disposition of a raptor held under a falconry license of deceased individual is at the discretion of the department.

~~(cc)~~ **(bb)** The permanent release of raptors to the wild must comply with the following:

- (1) A license holder shall not permanently release a raptor that is:
 - (A) not native to the state of Indiana; or
 - (B) a hybrid.
- (2) A license holder may release a captive-bred raptor that is native to Indiana at an appropriate time of year and an appropriate location only after:
 - (A) obtaining prior written approval from the department; and
 - (B) hacking the raptor under subsection (dd) at an appropriate time of year and an appropriate location.
- (3) A license holder may release a wild raptor that is native to Indiana at an appropriate time of year and an appropriate location without prior approval from the department. A license holder must:
 - (A) remove the raptor's leg band prior to the release; and

(B) return the leg band to the department.

~~(dd)~~ **(cc)** To hack a raptor, a general or master class license holder must:

- (1) obtain the prior written approval from the department;
- (2) include the raptor against the license holder's possession limit;
- (3) be authorized to possess the raptor being hacked; and
- (4) contact the department before hacking a raptor to ensure that the license holder does not conduct hacking activities:

(A) near a nesting area of a federally threatened or endangered bird species; or

(B) in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the falconry bird.

A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on state and federally-endangered species.

~~(ee)~~ **(dd)** A license holder may use other acceptable falconry practices in training and conditioning raptors, including:

- (1) the use of creance (tethered) flying;
- (2) lures;
- (3) balloons; or
- (4) kites.

~~(ff)~~ **(ee)** A license holder must never intentionally release a raptor for free flight while it is wearing "slitted" style mew jesses.

~~(gg)~~ **(ff)** A license holder shall affix at least two (2) functioning radio transmitters to any hybrid raptor being free flown for any reason.

~~(hh)~~ **(gg)** A license holder hunting with a raptor may be accompanied by other individuals who shall not:

- (1) have paid a fee to accompany the license holder; and
- (2) handle a raptor possessed by a license holder except to hold or practice flying the raptor while under the direct and on-site supervision of the license holder.

~~(ii)~~ **(hh)** A license holder may hunt wild animals by the use of a raptor only as follows:

(1) The season for hunting:

(A) eastern cottontail rabbits, northern bobwhite quail, and ring-necked pheasants is from September 1 through February 28 of the following year; and

(B) gray and fox squirrels is from August 15 through February 15 of the following year.

(2) The daily bag limit per raptor is two (2) rabbits, two (2) squirrels, one (1) quail, and one (1) pheasant, except during the seasons for these wild animals established under 312 IAC 9-3 and 312 IAC 9-4, when the daily bag limits established under those rules apply.

(3) The season and bag limits for taking waterfowl and migratory birds are those set forth in 312 IAC 9-4 and 50 CFR 21.

(4) If a raptor kills an animal without the intent of the license holder that is:

- (A) not in the regular hunting season; or
- (B) in excess of a bag limit;

the license holder must not possess the animal but the raptor may feed upon the carcass before leaving the site.

(5) A license holder may hunt a species listed in this subsection during any time of day.

(6) A license holder may possess a handgun in accordance with IC 35-47 while hunting with a raptor under this section if the license holder:

(A) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;

(B) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or

(C) is not required to possess a license to carry a handgun under IC 35-47-2-2.

(7) A license holder must ensure that the raptor does not take state or federally listed threatened or endangered wild animals. A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on federally listed threatened or endangered species. A license holder must report the take of any federally listed threatened or endangered species to the United States Fish and Wildlife Service Ecological Services Field Office for the location in which the take occurred.

(8) A license holder may hunt wild animals under this subsection on:

(A) public lands where authorized; and

(B) private lands with the permission of the landowner or custodian.

(9) A license holder may hunt the following species of birds:

(A) American crows in accordance with 312 IAC 9-4-7.1 and 312 IAC 9-4-7.2.

(B) European starlings.

(C) English sparrows.

(D) Rock pigeons.

The use or aid of a motor driven conveyance that is not under power or in motion and on private property is allowed under this subsection. Except as authorized under subdivision (6), the license holder shall not possess a firearm of any type while using a motor driven conveyance.

(10) A license holder may hunt a wild animal without wearing hunter orange only on property in which a local ordinance prohibits the use of firearms.

~~(jj)~~ **(ii)** Only a license holder may possess a wild animal taken with the aid of a raptor, except that a license holder may give to another individual one (1) or more carcasses or parts of wild animals lawfully taken by a raptor with no compensation of any kind. A wild animal that is gifted must have a tag attached that contains the following information:

(1) The license holder's name and address.

(2) The total number and species of wild animals taken.

(3) The date the wild animal was taken.

(4) The signature of the license holder who's raptor took the wild animal.

~~(kk)~~ **(jj)** Abatement activities may be conducted by the following:

(1) The holder of a master class license with a raptor possessed under this section only if the license holder has been issued a special purpose abatement permit issued by the United States Fish and Wildlife Service.

(2) The holder of a general class license with a raptor possessed under this section only as a subpermittee of the holder of a special purpose abatement permit.

A license holder may receive payment for providing abatement services.

~~(H)~~ **(kk)** A license holder may hunt any species listed in 50 CFR Part 21.43, 44, 45, or 46 with a raptor at any time in accordance with the conditions of an applicable depredation order issued under 50 CFR 22, as long as the license holder is not paid for doing so.

~~(mm)~~ **(ll)** A license holder may fly raptors at and take pen-raised ring-necked pheasants and northern bobwhite quail that have been released into the wild for training purposes:

- (1) on a dog training ground licensed under section 16 of this rule;
- (2) on a shooting preserve licensed under IC 14-22-31; or
- (3) during the season for that species in accordance with 312 IAC 9-4.

~~(nn)~~ **(mm)** A license holder may use a raptor possessed under this section in conservation education programs presented in public venues.

(1) A license holder may present conservation education programs as follows:

(A) A license holder is not required to obtain a special purpose educational permit under section 9.5 of this rule provided that any fee charged does not exceed the amount required to recoup the costs of presenting the program.

(B) A license holder shall hold a valid special purpose educational permit under section 9.5 of this rule if the license holder presents conservation education programs for profit.

(2) An apprentice class license holder may present conservation programs only under the direct supervision of a general or master class license holder.

(3) A raptor used in conservation education programs must be used by the license holder primarily for falconry.

(4) All conservation education programs must provide information about:

(A) raptor biology;

(B) the ecological role of raptors; and

(C) the conservation needs of raptors and other migratory birds;

although not all of these topics must be addressed in every presentation.

(5) A raptor mounted by a taxidermist under subsection (ss)(3)(B) may be used in conservation education programs.

(6) The license holder is responsible under 50 CFR 13.50 for all liability associated with conservation education activities undertaken.

~~(oo)~~ **(nn)** A license holder may use raptors possessed under this section in captive propagation if the license holder or the person overseeing the propagation has a raptor propagation permit from the U.S. Fish and Wildlife Service. A license holder:

(1) is not required to transfer a raptor from his or her falconry license if the raptor is used in captive propagation for fewer than eight (8) months in a twelve (12) month period of time; and

(2) must permanently transfer the raptor to the raptor propagation permit and band the raptor as required in 50 CFR 21.30 if the raptor is used in captive propagation for more than eight (8) months in a twelve (12) month period.

~~(pp)~~ **(oo)** A license holder:

(1) May without receiving compensation allow a raptor possessed under this section to be photographed, filmed, or depicted visually by other means to create sources of information on the following:

(A) The practice of falconry.

- (B) Raptor biology.
- (C) The ecological role of raptors.
- (D) The conservation needs of raptors and other migratory birds.
- (2) Is prohibited from allowing a raptor possessed under this section to be used for the purpose of the following:
 - (A) Making the following:
 - (i) Movies or other commercial entertainment.
 - (ii) Commercials or other advertisements.
 - (iii) Any other commercial ventures that are not related to falconry.
 - (B) Promoting or endorsing any:
 - (i) products;
 - (ii) merchandise;
 - (iii) goods;
 - (iv) services;
 - (v) meetings; or
 - (vi) fairs;
- except as provided in subdivision (3).
- (C) Representing any:
 - (i) business;
 - (ii) company;
 - (iii) corporation; or
 - (iv) other organization.
- (3) May with or without receiving compensation use a raptor possessed under this section to promote or endorse the following:
 - (A) A nonprofit falconry organization or association.
 - (B) Materials, equipment, products, or endeavors related to falconry, including falconry training and education.
 - (C) Scientific research and publication.

~~(qq)~~ **(pp)** A general or master class license holder may assist a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.31 to condition raptors in preparation for their release to the wild only as follows:

- (1) The license holder must possess a document from the rehabilitator that:
 - (A) identifies the raptor; and
 - (B) explains that the license holder is assisting in the raptor's rehabilitation.
- (2) If the license holder's facilities comply with this section, notwithstanding section 9 of this rule, the license holder is not required to comply with the housing facility standards and is not subject to inspection under:
 - (A) section 9 of this rule; or
 - (B) 50 CFR 21.31.
- (3) A license holder must do the following:
 - (A) Return any raptor that cannot be permanently released to the wild to the rehabilitator for placement within one hundred eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain the raptor for longer than one hundred eighty (180) days.
 - (B) Upon coordination with the rehabilitator:

- (i) release all releasable raptors to the wild or return them to the rehabilitator for release within the one hundred eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain and condition the raptor for longer than one hundred eighty (180) days; or
 - (ii) transfer the raptor to the license holder's falconry license.
- (4) The raptor in the possession of a license holder will remain under the permit of the wild animal rehabilitator and is not required to be added to the falconry license unless transferred under subdivision (3)(B)(ii).

~~(rr)~~ **(qq)** A license holder shall manage feathers of raptors as follows:

- (1) For imping, a license holder may possess flight feathers for each species of raptor possessed or previously held for as long as the person has a valid falconry license.
- (2) A license holder may for imping purposes receive feathers from and give feathers to other individuals holding valid licenses under:
 - (A) this section;
 - (B) section 9 of this rule for wild animal rehabilitation; or
 - (C) 50 CFR 21.30 for raptor propagation in the United States.
- (3) A license holder may donate raptor feathers, except golden eagle feathers, to:
 - (A) any person or institution with a valid permit to possess them; or
 - (B) anyone exempt from the permit requirement under 50 CFR 21.12.
- (4) A license holder is not required to gather feathers that are molted or otherwise lost by a raptor except for primary or secondary flight feathers or retrices from a golden eagle.
- (5) A license holder must collect all molted flight feathers and retrices from a golden eagle. If the license holder does not need the feathers for imping purposes or upon expiration, denial, suspension, or revocation of a falconry license, the license holder shall send all feathers (including body feathers) to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.
- (6) A license holder must not buy, sell, or barter raptor feathers.
- (7) Upon the expiration, denial, suspension, or revocation of a falconry license, all feathers of any species of raptor except a golden eagle must be:
 - (A) given to an individual or any institution exempt from the permit requirements under 50 CFR 21.12;
 - (B) given to an individual authorized by permit to acquire and possess the feather;
 - (C) burned;
 - (D) buried; or
 - (E) otherwise destroyed.

~~(ss)~~ **(rr)** A license holder must dispose of a carcass of a raptor possessed under this section only as follows:

- (1) For golden eagles, the entire body, including all feathers, talons, and other parts, must be sent to the National Eagle Repository.
- (2) For all other species, the body or feathers of the raptor must be:
 - (A) given to an individual or institution exempt from permit requirements under 50 CFR 21.12;
 - (B) given to an individual authorized by permit to acquire and possess such parts or feathers;
 - (C) burned;

- (D) buried; or
 - (E) otherwise destroyed;
- within ten (10) days of the raptor's death or final veterinarian examination to determine the cause of death.
- (3) A license holder may keep the body of any falconry raptor, except a golden eagle, if the raptor was banded or microchipped prior to its death for:
- (A) feathers useable for imping; or
 - (B) mounting by a taxidermist with the:
 - (i) leg band remaining on the body; or
 - (ii) microchip left in place.
- (4) The license holder shall take appropriate precautions to avoid the risk of secondary poisoning of eagles and other scavengers by carcasses of euthanized raptors.
- (5) A license holder who does not:
- (A) donate the carcass or feathers; or
 - (B) have the body mounted by a taxidermist;
- may possess the flight feathers for as long as the license holder holds a valid license under this section and maintains documentation of the acquisition of the raptor.

~~(tt)~~ (ss) A license may be suspended, denied, or revoked if the license holder fails to comply with any of the following:

- (1) This section.
- (2) IC 14-22.

~~(uu)~~ (tt) A license holder may seek administrative review under IC 4-21.5 of an action to suspend, deny, or revoke a license.

(Natural Resources Commission; 312 IAC 9-10-13.1)

SECTION 6. 312 IAC 9-10-23 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-22 Shooting Preserve License

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-31

Sec. 16. (a) An application for a shooting preserve license must be completed on a departmental form and filed with the division of fish and wildlife.

(b) The boundaries of the land licensed under this section must be marked with signs at least eighteen (18) inches wide and eighteen (18) inches long with a white background and one (1) inch high lettering which states "private shooting preserve." The signs must be placed no more than five hundred (500) feet apart and along the entire boundary of the licensed shooting preserve.

SECTION 7. 312 IAC 9-10-23 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-23 Migratory Bird Depredation Permit

Authority: IC 14-10-2-4; IC 14-22-2-6

Sec. 11. (a) The director may without fee issue a temporary permit to take a migratory bird that is:

- (1) causing damage or threatening to cause damage to property; or**
- (2) posing a health or safety threat to persons or domestic animals.**

The method and dates of control and disposition of the bird shall be set forth in the permit.

(b) Exempted from this section is a migratory bird taken during the hunting season in accordance with 312 IAC 9-4-2 and 50 CFR 20 or a migratory bird taken without a permit in accordance with 312 IAC 9-4-7.2 or 312 IAC 9-3-15.

(c) A migratory bird taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours; or**
- (2) sold;**
- (3) traded;**
- (4) bartered; or**
- (5) gifted except as authorized in this section.**

(d) A property owner, lessee, or other person may obtain a permit under this section for the control of a nuisance migratory bird.

(e) An application for a migratory bird depredation permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under this section may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. Only individuals named on the permit are authorized to act as assistants of the permittee.

(g) A copy of the permit must be on the individual when conducting any activities authorized under this permit.

(h) A live migratory bird must be properly handled in an expeditious manner to prevent unnecessary physical injury to the migratory bird.

(i) Live migratory birds that are taken under this section must be:

- (1) released as authorized on the permit;**
- (2) gifted to a wild animal rehabilitator licensed under 312 IAC 9-10-9;**
- (3) gifted to a falconer licensed under section 13.1 of this rule; or**
- (4) euthanized in accordance with 50 CFR 21 and the conditions on the permit.**

(j) Carcasses of migratory birds that are euthanized under this permit must be:

- (1) buried;**
- (2) incinerated on private property with prior permission of the landowner;**
- (3) given to a veterinarian for proper disposal;**

- (4) given to a landfill for proper disposal;**
- (5) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule;**
- (6) retained or donated for no compensation of any kind; or**
- (7) as otherwise authorized on the permit.**

(k) The following methods may be used to take a migratory bird under this section:

- (1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.**
- (2) Traps, including bal-chatri and other traps that are specified on the permit.**
- (3) Any other methods specified by the permit.**

(l) Traps must be checked at least once every twenty-four (24) hours, and any bird caught in a trap must be removed from that trap within twelve (12) hours from notice to the permit holder of a bird caught in the trap.

(m) The following restrictions apply to the treatment of a bird captured live under this permit:

(1) The bird must be:

- (A) released in the county of capture with prior consent from the landowner or landowner's agent;**
- (B) euthanized; or**
- (C) treated as otherwise authorized in the permit.**

(2) A bird must be euthanized with the:

- (A) safest;**
- (B) quickest; and**
- (C) most painless;**

available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

- (A) landowner; or**
- (B) landowner's agent;**

before a bird is captured, killed or released on any property.

(n) A permit expires on March 31 of the year following the date of issuance unless otherwise specified on the permit.

(o) The permit holder must maintain a current record to include the following:

- (1) The name and address of the landowner assisted (if applicable).**
- (2) The date the bird was taken.**
- (3) The number and species of birds affected.**
- (4) The method of disposition.**

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the date the bird was taken and must be presented to a conservation officer upon request.

(p) The permit holder shall provide an annual report to the division by April 30 of each year following the date of issuance. The report shall list the following:

(1) The:

(A) number; and

(B) species;

of birds taken.

(2) The method and location of disposition.

(q) A permittee must file an application by April 30 of each year in order to renew a permit. The annual report required under subsection (p) must accompany the renewal application.

(r) A permit issued under this section may be suspended or revoked if the permittee does the following:

(1) Fails to comply with any of the following:

(A) IC 14-22.

(B) This article.

(C) A term of the permit.

(2) Provides false information to obtain a permit under this section.

(s) A conservation officer may inspect any equipment, birds, and any records relative to a permit issued under this section at any reasonable hour.

SECTION 8. 312 IAC 9-11-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-1 Wild Animal Possession Permit Applicability

Authority: IC 14-10-2-4; IC 14-11-4-5; IC 14-11-4-9; IC 14-22-26

Affected: IC 14-11-4; IC 14-22-26-2

Sec. 1. (a) Except as provided in IC 14-22-26-2 or as exempted under subsections (d) and (e), a person must have a permit issued by the department under this rule to possess a wild animal if the wild animal is either of the following:

(1) Referenced in this rule.

(2) Listed in this article as an endangered species or a threatened species.

(b) A separate permit is required for each individual wild animal and applies only to the location stated in the permit.

(c) A permit issued under this rule expires one (1) year from the date of issuance. If a timely and sufficient application is made for a permit renewal under section 3 of this rule, however, the permit does not expire until the department has entered a final determination with respect to the renewal application.

(d) A wild animal that is possessed under any of the following licenses is exempted from this rule:

(1) A game breeder license issued under 312 IAC 9-10-4.

- (2) A scientific collector permit **purposes license** issued under 312 IAC 9-10-6.
(3) A ~~mammal or bird~~ **wild animal** rehabilitation permit issued under 312 IAC 9-10-9.
(4) **An endangered species of turtle possessed under 312 IAC 9-5-11.**

(e) This rule does not apply to the lawful taking or possessing of a wild animal as follows:

- (1) During a season established under this article.
(2) During the first six (6) months from the date of birth, if the animal is the offspring of a wild animal lawfully possessed under this rule.
(3) The mammal is possessed by a zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
(4) During the interstate shipment of animals through the state of Indiana.
(5) ~~As authorized by a permit issued by the U.S. Department of the Interior.~~

(f) A person who possesses a wild animal **under this rule** is responsible for complying with all applicable requirements of this rule, including those which govern permit renewals and permit site relocations.

~~(g) A person who possesses a wild animal for which a permit is required under this rule, but who does not possess a permit, is subject to the standards, requirements, and sanctions of this rule. (Natural Resources Commission; 312 IAC 9-11-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2737; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 554; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)~~

SECTION 9. 312 IAC 9-11-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-2 First permit to possess a wild animal

Authority: IC 14-22-26

Affected: IC 14-11-4; IC 14-22

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.

(b) A person who wishes to possess a wild animal, described as Class I or Class II in this rule, must ~~obtain~~ **apply for** a permit under this rule ~~before the person takes~~ **within five (5) days of taking** possession of the animal.

(c) A person who wishes to possess a wild animal, described as Class III in this rule must satisfy IC 14-11-4 and obtain a permit under this rule before the person takes possession of the animal. In addition to any procedural requirements, a notice under this subsection must also describe the following:

- (1) The species of the wild animal.
(2) Where the animal will be possessed.
(3) ~~The type of enclosure that would be used.~~

(d) Within forty-five (45) days after the issuance of a permit, the permit holder must submit written verification from a licensed veterinarian that the animal appears to be:

~~(1)~~ free of disease;
~~(2)~~ ~~appropriately immunized~~; and
~~(3)~~ in good health;
to the division of fish and wildlife.

(e) An application **for a Class III wild animal** must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to:

(1) persons;
(2) domestic animals;
(3) livestock; and
(4) other wildlife;
in the vicinity of the escape.

(f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal **from the perimeter fence**.

(g) A permit application must be:

(1) completed on a department form; and
(2) accompanied by a fee in the amount of ten dollars (\$10).

(h) A conservation officer shall inspect the cages or enclosures after the application is received **and prior to the issuance of a permit**.

(i) An application must show the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection. (*Natural Resources Commission; 312 IAC 9-11-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA*)

SECTION 10. 312 IAC 9-11-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-4 Permit to possess a relocated wild animal

Authority: **IC 14-10-2-4**; IC 14-22-26

Affected: IC 14-11-4; IC 14-22

Sec. 4. (a) This section governs a permit to possess a wild animal if a permittee under section 2 or 3 of this rule wishes to relocate the animal.

(b) For a permit to possess a Class III wild animal, the permittee must satisfy IC 14-11-4 before the department may issue a permit to possess the animal at a new location. In addition to any procedural requirements, a notice under this subsection must also describe the following:

- (1) The species of the wild animal.
- (2) Where the animal will be possessed.
- ~~(3) The type of enclosure which would be used.~~

(c) A new written verification from a veterinarian is not required under this section. (*Natural Resources Commission; 312IAC 9-11-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

SECTION 11. 312 IAC 9-11-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-7 Class II wild animals for which a permit is required

Authority: **IC 14-10-2-4; IC 14-22-26**

Affected: IC 14-22

Sec. 7. (a) A permit is required under this rule for the following Class II wild animals:

- (1) Beaver (*Castor canadensis*).
- (2) Coyote (*Canis latrans*).
- (3) Gray fox (*Urocyon cinereoargenteus*).
- (4) Red fox (*Vulpes fulva*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) **Virginia** Opossum (*Didelphis marsupialis*).
- (8) Raccoon (*Procyon lotor*).
- (9) **Striped** Skunk (*Mephitis mephitis*).
- (10) Weasel (*Mustela frenata*, *Mustela nivalis*, and *Mustela rixosa*).
- (11) Serval (*Leptailurus serval*).**
- (12) Leopard cat (*Prionailurus bengalensis*).**
- (13) Margay cat (*Felis wiedi*).**
- (14) Jaguarundi cat (*Felis yagouaroundi*).**
- (15) Jungle cat (*Felis chaus*).**
- (16) Pallas' cat (*Felis manul*).**
- (17) Sand cat (*Felis margarita*).**
- (18) Black-footed cat (*Felis nigripes*).**
- (19) Flat-headed cat (*Prionailurus planiceps*).**
- (20) Fishing cat (*Prionailurus viverrinus*).**
- (21) Geoffroy's cat (*Leopardus geoffroyi*).**
- (22) Pampas cat (*Leopardus pajeros*).**
- (23) Little spotted cat (*Leopardus tigrinus*).**
- (24) Pantanal cat (*Leopardus braccatus*).**
- (25) Marbled cat (*Pardofelis marmorata*).**

A hybrid of any of these species with a domestic dog or cat is exempt from permitting under this section.

(b) As used in this rule, "Class II wild animal" means a wild animal that, because of its nature, habits, or status, may pose a threat to human safety. (*Natural Resources Commission; 312 IAC 9-11-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA*)

SECTION 12. 312 IAC 9-11-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-8 Class III wild animals for which a permit is required

Authority: **IC 14-10-2-4; IC 14-22-26-3**

Affected: IC 14-22

Sec. 8. (a) A permit is required under this rule for the following Class III wild animals:

- (1) Wolves that are purebred.
- (2) Bears (all species).
- (3) Wild cats (all species), except feral cats **and cats listed in section 7 of this rule.**
- (4) Venomous reptiles.
- (5) Crocodilians that are at least five (5) feet long.

A hybrid of any of these species with a domestic dog or cat is exempt from permitting under this section.

(b) As used in this rule, "Class III wild animal" means a wild animal that presents a real or potential threat to human safety.

(*Natural Resources Commission; 312 IAC 9-11-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2739; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA*)

SECTION 13. 312 IAC 9-11-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-10 Confining and enclosing wild animals

Authority: **IC 14-10-2-4; IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17**

Affected: IC 14-22

Sec. 10. (a) This section establishes general requirements for confining or otherwise enclosing a wild animal which must be demonstrated in an application under this rule. A person who holds a ~~license~~ **permit** must maintain compliance with this section while in possession of the wild animal.

(b) All wild animals must have a designated primary enclosure.

(c) All wild animals shall be kept in cages or enclosures ~~and shall be housed in buildings.~~ Walls and restraints affixed to windows, doors, and other means of entry or exit must be as strong as what is prescribed in section 13 of this rule for cage construction.

(d) All cages shall be well braced and, when necessary, securely fastened to the floor or ground and shall utilize metal clamps, ties, welds, or braces of equivalent strength as that prescribed for cage construction.

(e) Except as provided in subsection (f), the cage or enclosure required for a Class III wild animal must also be surrounded by a perimeter chain link fence which is at least six (6) feet high. Fencing material that is equal in strength and durability to chain link may be substituted.

(f) A venomous reptile must be kept in a locked container within a locked building, compound, or enclosure. The premises shall have a notice clearly and conspicuously posted to provide the location of the nearest, most readily available source of appropriate anti-venin and the telephone number of the nearest poison control center.

(g) A wild animal must not be chained or tethered, except under the following conditions:

(1) During training sessions. During these sessions, the wild animal must be under the direct supervision of the permittee or an employee of the permittee. Training may take place only within the perimeter fence, not in public view, and while under strict control of the handler.

(2) During an emergency.

(3) While repairs are being made to the cage.

(h) A Class III wild animal must have secondary housing, for example, a den, shift cage, or transport crate, in which the animal can be secured. The secondary housing must be as strong as what is required for cage construction. The animal may be housed in secondary housing for a set period of time upon the written instructions of a licensed veterinarian.

(i) A modification from the general cage requirements may be granted upon a written finding by the director that the overall welfare of the animal and public safety would be maintained if the modification were implemented. (*Natural Resources Commission; 312 IAC 9-11-10; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3676; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

SECTION 14. 312 IAC 9-11-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-11 General housing requirements and specifications

Authority: IC 14-22-26

Affected: IC 14-22

Sec. 11. (a) This section provides general housing requirements and specifications which apply to an animal possessed under this rule.

(b) Unless otherwise specified in the ~~license~~ **permit**, a cage or enclosure must be completely enclosed.

(c) Wild animals which are compatible with one another may be held in the same enclosure if the required floor space is provided.

(d) Common walls between animals which are not compatible must be constructed so the animals cannot gain access to each other.

(e) All mammals must have a den or nest box.

(f) Dens shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.

(g) If sunlight is likely to cause overheating or discomfort to an animal, sufficient shade shall be provided to protect any animal kept outdoors from direct sunlight.

(h) If the ambient air temperature falls below that needed for good health of the animal, an artificial heat source must be provided that is sufficient to maintain the required ambient air temperature.

(i) If a pool of water is required or used, the floor space occupied by the pool is in addition to the required minimum floor space, unless otherwise specified in the license.

(j) Night quarters, holding pens, and nesting boxes may not be used as primary housing.

(k) All chain link or welded wire edges shall be smoothly secured to prevent injury to the animals.

(l) If a cage is required to be constructed of mesh, unless otherwise specified, the mesh shall be made from welded or woven steel wire or an equivalent material. The floor of such a cage need not be constructed of mesh. Any equivalent strength material may be used.

(m) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.

(n) If a concrete floor is specified in a ~~license~~ **permit**, either wood plank flooring or a natural substrate may be used to cover the concrete.

(o) Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination. *(Natural Resources Commission; 312 IAC 9-11-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2740; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

SECTION 15. 312 IAC 9-11-14 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-11-14 Maintaining a wild animal possessed under this rule

Authority: IC 14-10-2-4; IC 14-22-26
Affected: IC 14-22

Sec. 14. (a) A person must not maintain a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permit holder.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the license under which the animal is possessed.

(b) A person must not possess a wild animal in a condition that is any of the following:

- (1) Unsafe.
- (2) Unsanitary.
- (3) Constitutes maltreatment or neglect of the animal.
- (4) Allows the escape of the animal.

(c) A person must not use a wild animal in any of the following manners:

- (1) For a commercial purpose unless the person is issued a commercial license by the United States Department of Agriculture or the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant prior to January 1, 1998.
- (2) For a sporting purpose.
- (3) As a public display.

(d) As used in this rule, “commercial purpose” means to breed, sell, publicly exhibit or display, barter, trade, lease, or other use for which the permittee receives compensation of any kind, other than for educational purposes in accordance with a special purpose educational permit authorized in 312 IAC 9-10-9.5. Electronic viewing and photographs are allowed.

~~(d)~~ (e) A special purpose educational permit must be obtained under 312 IAC 9-10-9.5 before a person uses a Class I, Class II, or Class III wild animal for an educational purpose unless the wild animal is an alligator snapping turtle (*Macrolemys temmincki*) lawfully acquired by the applicant before January 1, 1998.

~~(e)~~ (f) A wild animal must be provided with fresh drinking water in clean containers on a daily basis, **except as necessary for medical reasons with written instructions from a veterinarian.**

~~(f)~~ (g) A swimming pool or wading pool that is provided for the use of a wild animal must be cleaned as needed to maintain good water quality.

~~(g)~~ (h) Surface water must be adequately drained from a cage or enclosure where a wild animal is possessed.

~~(h)~~ (i) A wild animal must be provided with food that is each of the following:

- (1) Unspoiled.
- (2) Uncontaminated.

(3) Appropriate to the dietary needs of the animal.

(j) Fecal wastes and food wastes must be removed daily from cages and stored or disposed to prevent noxious odors and insect pests. Hard floors shall be scrubbed and disinfected weekly. Large pens and paddocks with dirt floors shall be raked at least once every three (3) days and the waste removed. (*Natural Resources Commission; 312 IAC 9-11-14; filed May 12, 1997, 10:00 a.m.: 20 IR 2743; filed May 19, 2003, 9:11 a.m.: 26 IR 3324; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)